

FEP Program

1. Introduction to Program: Purpose, Goals and Objectives:

The Floodplain Easement Program (FEP) is a voluntary program that offers landowners the means and the opportunity to protect, restore and enhance lands subject to repeated flooding and flood damage. The Floodplain Easement is funded through the Emergency Watershed Protection Program. The USDA Natural Resources Conservation Service (NRCS) manages the program as well as provides technical and financial support to help landowners that participate in FEP.

The objective of the FEP program is to assist in relieving imminent hazards to life and property from floods and the products of erosion created by natural disasters that are causing a sudden impairment of a watershed. The FEP Program is not intended to deny any party access to the traditional eligible EWP practices, but rather to provide a more permanent solution to repetitive disaster assistance payments and achieve greater environmental benefits where the situation warrants and the affected Landowner is willing to participate in the easement approach.

The benefits of FEP includes; 1) reduction of the public risk of flood damages including public risks to downstream or adjacent lands, 2) protection of lives and property from floods, 2) reduction in soil erosion through restoration, protection and/or enhancement of the floodplain, 3) elimination of future disaster payments, 4) restoration, protection, management, maintenance and enhancement of the functions of wetlands, riparian areas, and other lands, and 5) conservation natural values including fish and wildlife habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetics, and environmental education.

FEP program information including forms, publications, etc., regarding the National FEP Program can be accessed at the following website:

<http://www.nrcs.usda.gov/programs/ewp/index.html>

Additional information on FEP can be found in the National Emergency Watershed Protection Handbook, 390-VI, Issue 1.

2. Fact sheets:

The following documents are attached:

Indiana Question & Answer sheet (FEP Questions & Answers.doc)

Indiana 2002 FEP Summary (02inFEPfctsht.doc)

Indiana WRP-FEP Acres Map (wrp_fep_2002_map.doc)

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3. Application process: Step-by-step with timeframes for actions

The following provides a general account of the steps necessary for a landowner to complete in order to enroll into the FEP program and record an FEP easement. NOTE: ALL FEP EASEMENTS ARE PERMANENT EASEMENTS.

1. Landowner contacts the local NRCS field office to determine eligibility of the site.
2. Site determined to be eligible landowner makes application with local NRCS office using **Application for Long Term Assistance Form AD-1153**.
3. Site is ranked by NRCS, U.S. Fish and Wildlife Service and Indiana Department of Natural Resources personnel. Landowner is encouraged to attend and provide input during the ranking process. **Indiana FEP Ranking Form** is used.
4. Ranking packet is submitted by the local NRCS office to the WRP Coordinator. Ranked sites are put on statewide ranking list. Available funds are used to fund as many of the ranked sites as possible.
5. Letter of Tentative Acceptance along with **Notification of Intent to Continue Form AD-1159** is sent to landowner indicating that the site has been funded and requesting their confirmation on continuing on with the FEP program. **Landowner has 15 calendar days to respond.**
6. Appraisal is ordered by NRCS
7. Once NRCS has appraisal back-**Option to Purchase Agreement (offer) Form AD-1157** is sent to landowner based on appraisal or State Maximum Cap whichever is lower. **Landowner has 15 calendar days to reply.**
8. NRCS requests title commitment on property.
9. Landowner requests survey to be completed providing legal description of the easement area.
10. Title commitment and survey submitted to WRP Coordinator and forwarded on to Office of General Counsel for review. Landowner responsible for providing clear title on the easement area.
11. Closing materials submitted to closing agent (title company) for recording of easement.
12. Landowner develops final restoration plan for the easement area with the local NRCS office.

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13. Closing agent records **Warranty Easement Deed Form NRCS-LTP-20** with landowner. Easement payment is made by closing agent to landowner.
14. Landowner can crop property within the fiscal year (October through September) that an easement is recorded. For example, easement is recorded in November 2002-the landowner could plant a spring crop in May of 2003 and harvest the crop.
15. Restoration plan practices should begin to be implemented within one year of recording the Warranty Easement Deed.
16. Site should be restored within three years of recording the easement.

4. Forms Required:

Note: All Conservation Plans and Contract Support Documents will be developed in Customer Service Toolkit.

All of the following forms are attached:

AD-1153 Application for Long-term Contracted Assistance Through the FEP Program (ad1153.pdf)

AD-1154 Long-Term Agreement (AD1154.pdf)

AD-1154 Attachment A General Provisions (AD1154_WRP_General_Prov.pdf)

AD-1154 Attachment B Special Provisions (AD1154A_WRP_SPEC_PROV.pdf)

AD-1161 Application for Payment (ad1161.pdf)

AD-1157 Option Agreement to Purchase (AD1157.pdf)

AD-1157A Option Agreement to Purchase, Amendment 1 (AD1157A.pdf)

AD-1158 Subordination Agreement and Limited Lien Waiver (AD1158.pdf)

AD-1159 Notification of Intent to Continue (AD1159.pdf)

NRCS CPA 38 Request for Certified Wetland Determination (NRCSCPA0038.pdf)

NRCS LTP 13 Conservation Program Status Review (NRCSLTP0013.pdf)

NRCS CPA 20 Warranty Easement Deed for Permanent Easement (electronic copy not available use a hard copy)

Sample Conservation Plan developed in Customer Service Toolkit

Sample Contract Support Document developed in Customer Service Toolkit

5. Indiana contact information:

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